

Adult and Senior Care Update

Fall 2009

This is the Fall edition of the *Adult and Senior Care Update* for 2009. Our goal is to provide you with information about issues that affect adult and senior care licensed facilities. We hope you will take time to review the Update and share it with members of your organization as well as with others interested in adult and senior care issues.

H1N1 (SWINE) AND SEASONAL INFLUENZA

As we enter the fall flu season, there is much publicity about the need to prepare for both the H1N1 (Swine) and regular (seasonal) influenza. To assist licensees and providers, we have prepared a handout, [Tips for Licensees on H1N1 \(Swine\) and Seasonal Influenza](#). It contains prevention tips, precautions for facility staff when caring for an ill client or resident, and steps to take if an outbreak is suspected. You can also access this document at Community Care Licensing Division's (CCLD) website at www.cclld.ca.gov.

According to the California Department of Public Health (CDPH), vaccination is the most important prevention measure. CDPH recommends that all clients, residents and facility staff be vaccinated against the seasonal flu as soon as possible. However, the seasonal flu vaccine is not expected to protect against the H1N1 flu, or vice versa. Please continue to watch for updates about H1N1 flu vaccinations. Visit CDPH's [H1N1 Vaccination Locations](#) website and www.flu.gov/ for more information.

At this time, the federal Centers for Disease Control and Prevention (CDC) do not expect a shortage of the H1N1 flu vaccine, but initially the vaccine may be available in limited quantities. CDC has identified certain priority at-risk groups for receiving the H1N1 vaccine, including pregnant women; healthcare and emergency medical services personnel; household contacts and caregivers for children younger than six months of age; all people from six months through 24 years of age; and persons aged 25 through 64 years who have health conditions associated with a higher risk of medical complications from influenza.

To help reinforce good hand hygiene and respiratory hygiene/cough etiquette, licensees are encouraged to post signs such as CDC's popular Cover Your Cough poster. Copies of this poster in English and Spanish can be downloaded directly at <http://www.dhss.mo.gov/PandemicInfluenza/CoverYourCoughPoster.pdf>. Other resources—as well as copies of Cover Your Cough in other languages—are available at <http://www.cdc.gov/h1n1flu/flyers.htm>.

Licensees are also reminded to report any suspected outbreak to the [local health department](#) and the local licensing office. More information on the H1N1 flu can be found at CDC's website at http://www.cdc.gov/h1n1flu/guidance_homecare.htm, and at CDPH's website at www.cdph.ca.gov/HealthInfo/discond/Pages/SwineInfluenza.aspx. If you have questions, you may contact the CDPH H1N1 flu hotline at 1-888-865-0564 from 8 a.m. to 5 p.m. daily, or your [local health department](#).

NEW SSI/SSP PAYMENT STANDARDS EFFECTIVE NOVEMBER 1, 2009

On July 28, 2009, the Governor signed into law Assembly Bill (AB) X4 4 (AB 4, Evans, Chapter 4, Statutes of 2009). The new [Supplemental Security Income \(SSI\)/State Supplementary Payment \(SSP\) rates](#) will become effective November 1, 2009 (included in Update). Under this new law, the SSI/SSP payment standards were reduced for those residing in their own household under the "Independent Living" and "Couple" categories. However, the rates for the Non-Medical Out-of-Home Care (NMOHC) living arrangements are exempt from any reduction and remain unchanged from those rates in effect on January 1, 2009. If you have any questions, please contact Teri Harness of the Adult Programs Division at (916) 229-4552. See attached Estimated SSI/SSP Payment Standards, effective November 1, 2009

NOTIFICATION OF FACILITY CHANGE IN OPERATING STATUS

If a licensee encounters activities related to bankruptcy or foreclosure, the licensee must notify the licensing agency and all residents receiving services, or their responsible persons. Notification must be in writing as soon as possible and at least sixty (60) days prior to the effective date of the change. These types of activities are significant changes in facility operation that may affect the health and safety of residents in care. For more information on bankruptcy or foreclosure requirements, contact your local licensing office.

SAFETY AND BED RAILS

Providers are reminded that the use of bedrails can be helpful or harmful to residents in care. When bed rails are used, an assessment of the mattress and bed frame should be completed. The bed should be checked for gaps to ensure there are no gaps large enough for a person to fit their head or body through. In addition, it is also important to make sure the bed rails are installed according to the manufacturer's instructions. It is critical for staff to ensure that the use of all assistive devices, including bedrails, are monitored to ensure the safety of residents in care, especially in cases where residents may lack hazard awareness. Additional information is available at: <http://www.fda.gov/cdrh/beds/>.

PROPOSED BEDRIDDEN REGULATIONS – TESTIMONY AND RESPONSE

The CCLD held a public hearing on July 15, 2009, regarding the Bedridden Regulation Package for Residential Care Facilities for the Elderly (RCFE). These regulations were developed as a result of Senate Bill (SB) 1896 (Ortiz), Chapter 817, Statutes of 2000. SB 1896 allowed for the admission and retention of persons who are bedridden provided the appropriate fire clearance has been obtained. It also revised the definition of "bedridden"

and required California Department of Social Services (CDSS) and the Office of the State Fire Marshall, in consultation with the Department of Developmental Services, to develop regulations to clarify fire safety and fire clearance requirements for specified residential care facilities, including RCFEs. The CDSS received both oral and written testimony during the 45-day comment period. The CDSS is in the process of reviewing the testimony received and anticipates a fifteen-day renote will be scheduled for additional public review. We anticipate this regulation package will become effective January 2010.

FOOD RECALLS

The United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) recently announced the following recalls:

- Certain brands of ground beef have been subject to recall as a result of possible contamination with E.coli 0157:H7 or salmonella.
 - ✓ Sterling Pacific Meat Co., in the City of Commerce, California, is recalling approximately 3,516 pounds of ground beef product that may be contaminated. http://www.fsis.usda.gov/News_&_Events/Recall_042_2009_Release/index.asp
 - ✓ Beef Packers, Inc., in Fresno, California, is recalling approximately 825,769 pounds of ground beef product that may be contaminated with *Salmonella* Newport. Additional FSIS information regarding this recall is available at http://www.fsis.usda.gov/News_&_Events/Recall_041_2009_Release/index.asp.
- Windsor Foods, a Riverside, California establishment, is recalling approximately 2,268 pounds of beef and bean burrito products that may be contaminated with *Listeria monocytogenes*. The following products are subject to recall: 18-pound bulk cases containing individually wrapped "Butcher Boy Red Chile Beef and Bean Burritos." Consumer questions regarding the recall should be directed to their company Legal Assistant, Corinne Perez at (909) 477-4813.

In general, if you have food safety questions, you can "Ask Karen," the FSIS virtual representative available 24 hours a day at [AskKaren.gov](http://www.fsis.usda.gov/AskKaren). The toll-free USDA Meat and Poultry Hotline, 1-888-MPHotline (1-888-674-6854), is available in English and Spanish from 10 a.m. to 4 p.m. Eastern Standard Time Monday through Friday. Recorded food safety messages are available 24 hours a day.

RESOURCES FOR FOOD SERVICES – THE FOOD PYRAMID

The USDA website (<http://www.mypyramid.gov>) offers education, information, and interactive tools to help understand the new Pyramid and recommended dietary plan. The new Pyramid is no longer a one size fits all concept. Several pyramids are offered addressing multiple caloric intake needs as well as different activity levels. Some features of this website include, but are not limited to:

- Information on the development of the USDA 2010 Dietary Guidelines.
- Food Safety Advice on proper food handling, safe cooking and food storage temperatures.

- Nutrition information on the amount and types of different grains, vegetables and fruits recommended by the USDA.
- Podcasts on nutrition and physical activity.
- Video explaining the pyramids for different caloric intakes and activity levels.
- Sample menus for a 2000 calorie food pattern.
- My Pyramid print materials and more.

This site may be useful for developing food plans for both adult and elderly care facilities. If you are interested in learning more about the Pyramid and recommended dietary plan, please visit their website at <http://www.mypyramid.gov/>.



MEDICATION NEWS

• Electronic Physician Signatures

California has been governed by the California Electronic Transactions Act since 1999. Civil Code Section 1633.2 of California law defines electronic signatures as “an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.”

California law currently defines digital signatures as “an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.” Government Code Section 16.5 states that digital signatures have the same effect as manual signatures, only if all of the following apply:

- ✓ It is unique to the person using it.
- ✓ It is capable of verification.
- ✓ It is under the sole control of the person using it.
- ✓ It is linked to data in such a manner that if the data were changed, the digital signature is invalidated, and
- ✓ It conforms to regulations adopted by the Secretary of State.

Electronic signatures also include several consumer protections, which must be followed when the transaction involves a consumer (one who obtains “products or services which are used primarily for personal, family or household purposes”).

Although electronic signatures are legally accepted in California, there are currently no CCLD regulatory prohibitions against physicians using e-mail to communicate orders. However, the CCLD is in the process of drafting policy guidelines.

INCREASES IN LICENSING FEES

As part of the budget compromise, the licensing application fee, the annual licensing fee, and the Foster Family Agencies’ fee for certified homes were all raised by 10 percent. This increase in fees became effective July 28, 2009. The new fee schedule can be found on the Internet at <http://cclد.ca.gov/res/pdf/Fees.pdf>.

\$1.6 MILLION RESTORED TO CALIFORNIA OMBUDSMAN PROGRAM

On August 5, 2009, Governor Arnold Schwarzenegger signed AB 392 (Feuer & Jones) that immediately restored \$1.6 million for one year only to local long-term care ombudsman programs. Funds for local programs will come from existing penalties paid by skilled nursing facilities for violations of federal nursing home laws. Many ombudsman programs across the state suffered shortages as a result of last year's budget reductions which eliminated close to 50 percent of the program's funding. Local programs will use these funds to restore hours, staffing, and services to residents of long-term care facilities.

ADMINISTRATOR CERTIFICATION SECTION (ACS)

There are approximately 24,000 active administrator certificates. ACS reviews and processes approximately 1,000 renewal applications each month. In order to renew the certificate, the administrator must submit evidence of completing the 40 hours of continuing education no later than the certificate expiration date. The administrator may take up to 20 of the continuing education hours online. Home study or correspondence courses do not meet the requirements for online courses and do not count towards the 40-hour requirements. If ACS determines that the courses do not meet the requirements and the certificate expiration date has past, the administrator will be subject to a delinquency fee. If you would like more information about this, please contact the Administrator Certification Section staff at (916) 324-3755.

PLANNING FUTURE CAPABILITIES FOR THE NEW MyCCL WEBSITE

The new MyCCL website is presently being enhanced to capture consumer information from licensees. MyCCL is the business platform of the future, for licensees, stakeholders and consumers. CCLD is in the process of planning future capabilities for our new website located at www.myccl.ca.gov. If you have not already registered, you are encouraged to do so now. We welcome your ideas and suggestions for incorporation within MyCCL and invite you to assist us with planning future capabilities by completing the attached survey. Please send any suggestion and the completed survey by email to Myha Dang at Myha.Dang@dss.ca.gov. Thank you for participating! See attached [Survey of Potential Capabilities for Future MyCCL Web Development \(FY 2010/2011 and beyond\)](#). If you have any questions, please contact Katie Jordan at (916) 322-4875.

INCREASE IN FIRE INSPECTION FEES

Prospective licensees who request pre-inspection consultation will notice an increase in fees. Previously, fees were \$50 with a capacity to serve 25 or fewer clients, and \$100 with a capacity to serve 26 or more clients. Health & Safety Code section 13235 states that new inspection fees are "a fee equal to, but not exceeding, the actual cost of the pre-inspection services may be charged for a facility with a capacity of 25 or fewer persons, a fee equal to, but not exceeding, the actual cost of the pre-inspection services may be charged for a pre-inspection of a facility with a capacity to serve 26 or more persons."

Fire inspections initiated by a Fire Safety Inspection Request (STD 850 form) from Community Care Licensing will continue to be free of charge. For more information, please contact Ernie Paez from the State Fire Marshal's Office at (626) 305-1908.

SUMMARY

If you have questions about this *Update* or suggestions for future topics, please contact Gary Levenson-Palmer, Chief of the Technical Assistance and Policy Branch, at (916) 324-4312. Please visit our website at www.cclld.ca.gov for copies of *Updates*, office locations, provider letters, regulations, or to learn more about licensing services. Statistical information on the number and type of facilities licensed by CCLD is updated monthly and is available on our website at: <http://cclld.ca.gov/PG833.htm>.

Sincerely,

Original Signed By Jeffrey Hiratsuka

JEFFREY HIRATSUKA
Deputy Director
Community Care Licensing Division

Attachments